

1

ORDINANCE NO. 89-17

2 AN ORDINANCE ADOPTING THE 1989 PALM BEACH COUNTY
3 COMPREHENSIVE PLAN, PROVIDING FOR THE AUTHORITY FOR
4 THE ADOPTION OF THE COMPREHENSIVE PLAN; PROVIDING FOR
5 THE PURPOSE AND INTENT; PROVIDING FOR THE ADOPTION
6 OF THE 1989 PALM BEACH COUNTY COMPREHENSIVE PLAN AND
7 THE 1980 EVALUATION AND APPRAISAL REPORT; PROVIDING
8 FOR PREEMPTION OF THE COMPREHENSIVE PLAN OVER LESS
9 RESTRICTIVE DEVELOPMENT REGULATIONS; PROVIDING FOR
10 REPEAL OF ORDINANCE 80-8, AS AMENDED, AND FOR REPEAL
11 OF OTHER LAWS IN CONFLICT; PROVIDING FOR
12 SEVERABILITY; PROVIDING FOR INCLUSION IN THE LAWS AND
13 ORDINANCES; AND PROVIDING FOR EFFECTIVE DATE.

14 WHEREAS, Section 163.3161, et. seq., Florida Statutes (1988),
15 is entitled the Local Government Comprehensive Planning and Land
16 Development Regulation Act; and

17 WHEREAS, Section 163.3167, Florida Statutes, requires each
18 county in the State of Florida to prepare and adopt a comprehensive plan;
19 and

20 WHEREAS, Palm Beach County is required to adopt the 1989 Palm
21 Beach County Comprehensive Plan, pursuant to the provisions of Section
22 163.3184 (7), Florida Statutes; and

23 WHEREAS, the Board of County Commissioners of Palm Beach
24 County, Florida, has provided for the broad dissemination of proposals
25 and alternatives, opportunity for written comments, public hearings after
26 due public notice; provisions for open discussions, and consideration of
27 and response to public comments concerning the provisions contained in
28 the proposed 1989 Comprehensive Plan for Palm Beach County, Florida; and

29 WHEREAS, data, information, documents, and drafts of each of
30 the Comprehensive Plan elements or sub-elements were continually
31 disseminated in a timely manner to the public; and

32 WHEREAS, Palm Beach County approved Resolution 88-66
33 establishing a citizen participation process pursuant to Chapter
34 163.3161, Florida Statutes, to assist in the development of the 1989
35 Plan; and

36 WHEREAS, participants in the citizen participation process were
37 individuals representing County advisory boards, state and special
38 districts, public interest groups, agriculture, development, business,
39 municipalities, environmental interests, academia and the general public;
40 and

1 WHEREAS, fourteen public meetings were held throughout the
2 County during the preparation of the proposed 1989 Comprehensive Plan for
3 the purpose of disseminating information to the public and receiving
4 recommendation from the public; and

5 WHEREAS, Ordinance 76-7, adopted by the Board of County
6 Commissioners of Palm Beach County, designated the Board of County
7 Commissioners as the Local Planning Agency for the unincorporated areas
8 of Palm Beach County, and set forth the duties and responsibilities of
9 said Local Planning Agency; and

10 WHEREAS, the Palm Beach County Local Planning Agency held
11 public hearings on the proposed 1989 Plan after due public notice and
12 considered the recommendations of the citizen advisory groups, citizen
13 participation efforts at those public hearings and written and verbal
14 communications of all interested parties, and recommended the submittal
15 of the proposed 1989 Comprehensive Plan to the Department of Community
16 Affairs; and

17 WHEREAS, on March 29, 1989, the Palm Beach County Board of
18 County Commissioners held a public hearing on the proposed 1989
19 Comprehensive Plan after due public notice and considered the comments
20 and recommendations by the public, and recommendation of the Local
21 Planning Agency, and upon thorough and complete consideration and
22 deliberation, approved the proposed 1989 Comprehensive Plan for
23 transmittal to the Department of Community Affairs, pursuant to Chapter
24 163.3184 (3) and Chapter 9J-11, Florida Administrative Code; and

25 WHEREAS, Palm Beach County received the Department of Community
26 Affairs "objections, recommendations, and comments report" on July 11,
27 1989, which was the Department's written review of the proposed 1989
28 Comprehensive Plan; and

29 WHEREAS, on July 18, 1989, at a public meeting, the Palm Beach
30 County Board of County Commissioners informed the public of the
31 objections, recommendations and comments of the Department of Community
32 Affairs and provided direction to staff for the preparation of the final
33 Comprehensive Plan; and

1 WHEREAS, the Department of Community Affairs' "objections,
2 recommendations and comments report" was available to the public at the
3 Department of Planning, Zoning and Building; and

4 WHEREAS, Palm Beach County staff held meetings with the staff
5 of the Department of Community Affairs, the Department of Transportation,
6 and the South Florida Water Management District to review the submitted
7 plan elements and discuss concerns during the agency review of that
8 submitted plan; and

9 WHEREAS, on August 21, 23 and 25, 1989, the Board of County
10 Commissioners held public meetings to review the written comments
11 submitted by the Department of Community Affairs as the "objections,
12 recommendations, and comments report" and to evaluate the recommendations
13 of the Citizens Advisory Committees and staff; and

14 WHEREAS, on August 30, 1989, the Board of County Commissioners
15 of Palm Beach County held public hearings after due public notice;
16 reviewed the written comments by the Department of Community Affairs as
17 the "objections, recommendations, and comments report"; and reviewed all
18 other written or oral comments submitted by members of the public and
19 governing agencies; and

20 WHEREAS, the Board of County Commissioners finds that the
21 proposed 1989 Comprehensive Plan to be adopted by this Ordinance complies
22 with the requirements of the Local Government Comprehensive Planning and
23 Land Development Regulations Act and Chapter 9J-5, Florida Administrative
24 Code.

25 NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
26 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA as follows:

27 Section 1. Authority

28 This Ordinance is adopted in compliance with, and pursuant to,
29 the Local Government Comprehensive Planning and Land Development
30 Regulation Act, Section 163.3184, et. seq., Florida Statutes, and Chapter
31 9J-5, Florida Administrative Code.

32 Section 2. Purpose and Intent

33 A. It is hereby declared that the purpose and intent of this
34 Ordinance is to preserve and enhance the existing quality of life;
35 encourage the most appropriate use of land, water, and resources

1 consistent with the public interest; address current problems which have
2 occurred because of the use and development of land; and deal effectively
3 with future problems which may occur as a result of the use and
4 development of land. Through the implementation of the 1989
5 Comprehensive Plan and those elements adopted herein by this Ordinance,
6 it is the intent of the Board of County Commissioners of Palm Beach
7 County, Florida, to preserve, promote, protect, and improve the public
8 health, safety, comfort, good order, appearance, convenience, law
9 enforcement and fire prevention, and general welfare; to prevent the
10 overcrowding of land and avoid undue concentration of populations; to
11 minimize urban sprawl; to encourage the development and redevelopment of
12 coastal communities; to ensure that the existing rights of property
13 owners be preserved in accord with the Constitutions of the State of
14 Florida and of the United States; to plan for and guide growth and
15 development within the County by providing greater specificity and
16 certainty in the land planning process, by preparing a financially
17 feasible plan, by establishing a concurrency management system, by
18 providing for appropriate minimum levels of service for the necessary
19 public facilities to accommodate existing populations and future growth,
20 by coordinating local decisions relating to growth and development, and
21 by insuring consistency with the state and regional comprehensive plans.

22 B. The provisions of the elements adopted by this Ordinance
23 are declared to be the minimum requirements necessary to accomplish the
24 aforesaid stated intent, purpose, and objectives of this Ordinance; and
25 they are declared to be the minimum requirements to maintain, through
26 orderly growth and development, the character and stability of present
27 and future land use and development in the unincorporated areas of Palm
28 Beach County, Florida. Nothing in this plan is to be construed to limit
29 the powers and authority of the Palm Beach County Board of County
30 Commissioners to enact ordinances, rules or regulations that are more
31 restrictive than the provisions of this Plan.

32 C. Nothing in this Comprehensive Plan, or in the land use
33 regulations adopted consistent with its requirements shall be construed
34 or applied so as to result in an unconstitutional temporary or permanent

1 taking of private property or the abrogation of validity existing vested
2 rights.

3 Section 3. Adoption of Comprehensive Plan

4 A. Pursuant to the Local Government Comprehensive Planning and
5 Land Development Regulations Act, Section 163.3184, et. seq., Florida
6 Statutes, Palm Beach County hereby adopts the 1989 Comprehensive Plan of
7 Palm Beach County, consisting of Administration, Land Use, Economic,
8 Traffic Circulation, Mass Transit, Aviation and Other Related Facilities,
9 Infra-Structure (which includes the sub-elements of Sanitary Sewer,
10 Potable Water, Solid Waste, Drainage, and Natural Groundwater Aquifer
11 Recharge), Recreation and Open Space, Fire Rescue, Public Education,
12 Housing, Health and Human Services, Conservation, Coastal Management,
13 Intergovernmental Coordination, Library Services, Historic Preservation,
14 Capital Improvement and the 1980 Evaluation and Appraisal Report.

15 Section 4. Preemption

16 In the event that the 1989 Comprehensive Plan is more
17 restrictive than existing development regulations, the provisions of the
18 1989 Comprehensive Plan shall prevail.

19 Section 5. Repeal of Laws in Conflict

20 Ordinance No. 80-8, as amended, is hereby repealed. In
21 addition, all local laws and ordinances applying to the unincorporated
22 area of Palm Beach County in conflict with any provisions of this
23 ordinance are hereby repealed.

24 Section 6. Severability

25 If any section, paragraph, sentence, clause, phrase, or word of
26 this ordinance is for any reason held by the Court to be unconstitu-
27 tional, inoperative or void, such holding shall not affect the remainder
28 of this ordinance.

29 Section 7. Inclusion in the Laws and Ordinances

30 The provisions of this ordinance shall become and be made a
31 part of the code of laws and ordinances of Palm Beach County, Florida.
32 The Sections of the ordinance may be renumbered or relettered to
33 accomplish such, and the word "ordinance" may be changed to "section,"
34 "article," or any other appropriate word.

1 Section 8. Effective Date

2 The provisions of this ordinance shall become effective upon
3 receipt of acknowledgement by the Secretary of State.

4 APPROVED AND ADOPTED by the Board of County Commissioners of
5 Palm Beach County, Florida, on the 1:24AM day of AUG 3 1989, 19 .

6 JB PALM BEACH COUNTY, FLORIDA, BY ITS
7 BOARD OF COUNTY COMMISSIONERS

8 By Carol Elquist
9 Chairman

10 APPROVED AS TO FORM AND
11 LEGAL SUFFICIENCY

12 Van B. Cook
13 County Attorney

JOHN B. DUNKLE, CLERK
Board of County Commissioners
By Drilla Cowart
DEPUTY CLERK

14 Acknowledgement by the Department of State of the State of
15 Florida, on this, the 8th day of September, 19 89.

16 EFFECTIVE DATE: Acknowledgement from the Department of State
17 received on the 11th day of September, 19 89, at 3:45
18 P.M., and filed in the Office of the Clerk of the Board of County
19 Commissioners of Palm Beach County, Florida.